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THE DOMAIN OF UTILITARIAN ETHICS.

UTILITARIAN ethics when understood in the terms by which its principal advocates have undertaken to expound it, has always been open to successful attack from its opponents. The intuitionists have irresistibly and triumphantly urged against it, that pleasure is neither the immediate nor the ultimate end of ethical conduct; that the contemplation of pleasure as an object of desire can never arouse the feeling expressed by the word "ought;" and that the idea of pleasure is not an essential element in the consciousness of a moral agent when incited to perform or engaged in performing a moral act.

These propositions the utilitarians have attempted to refute by a semblance of logical deduction from the postulate that moral conduct has for its primary object the promotion of human welfare. They then proceed to explain that welfare is necessarily accompanied by happiness and that happiness can be nothing else than pleasure.

But what if human welfare as an ethical end signifies only those conditions under which and states in which man or mankind becomes merely free from unhappiness? In such case the object of moral conduct would not be pleasure at all, but solely the elimination or minimization of pain; and when so understood, the utilitarian moralist could face his old antagonists without flinching.

Mr. John Morley in his essay on "Aphorisms," has called attention to a statement by Aristotle, which really should be regarded as the cardinal maxim of personal morals. It is this:—*Ὁ φρόνιμος το ἄλυπον διώκει οὐ το ἡδύ.* "The wise man seeks after freedom from pain, not pleasure."

But the practical rule thus enunciated, although evidently not intended by its sagacious author as anything more than a guide to prudent conduct for the benefit of the individual who should conform to it, may nevertheless, by natural expansion of meaning be so paraphrased as to express the fundamental principle of ethics that "the moral man is he whose actions are

directed to the avoidance, prevention, removal or alleviation of pain, whenever and wherever imminent or present, and whether affecting himself or his fellow-men, but wholly irrespective of any pleasure which may thereby be attained or promoted except in the negative sense of relief from painful experience."

Of course, in actual practice conflicting duties inevitably arise when a moral agent is obliged to suffer himself in order to save another from suffering; but that does not alter the rule; it only makes the rule more difficult to apply. Self-sacrifice may be heroic or may be foolhardy. In the one case it affords an example of sublime morality; in the other case it fails entirely to win moral approbation. Such problems must doubtless be determined by comparison of evils and by choice of what seems to be the least. How that is to be done in each instance will depend upon circumstances; and at best, mistakes will frequently arise. The fact, however, that pains differ in magnitude, intensity and duration, cannot be disputed; and it is equally certain that moral conduct must often be guided by weighing one pain against another.

The point to be here emphasized, however, is that morality never requires the comparison of pleasures with pains in the performance of duty; and that no immorality is more despicable than that by which a man seeks to secure some positive form of pleasure for himself at the expense of pain inflicted upon another.

Doubtless, if for the purposes of ethical philosophy, a definition be given to the term "pleasure," which shall make it connote any gratifying sense of more or less relief from a painful state of consciousness, there can be shown some rational justification for an hedonic theory of morals. But, according to the usual meaning of the term "pleasure" it rarely, if at all, signifies such merely negative or at best, neutral gratification; while on the other hand, it embraces so wide a range of positively agreeable sensations and emotions that its employment to denote only those feelings which are directly caused by mere diminution or elimination of pain, becomes inappropriate and misleading.

Nevertheless, the great masters of utilitarianism have not attended to this distinction; because, in formulating their statements of ethical doctrine, they have, theoretically at least, included within the category of strictly moral actions, not only conduct which has for its object the accomplishment of relief from pain, but also that which seeks to promote pleasure in a positive sense; although it is interesting to observe, that whenever they have undertaken to illustrate their principles of morality by concrete examples, they have invariably cited instances in which the acts rightfully demanded of the moral agent were concerned solely with the prevention, removal or mitigation of some form of pain. Indeed, it is difficult to conceive that any body could be under moral obligation to enhance the pleasure of another who would not suffer pain from the omission of the pleasure-giving act; and if it be true that such a moral obligation could not arise, much confusion might obviously have been avoided by early recognition of the fact, and by consequent avoidance of hedonic terminology which has always tended to perpetuate the error.

Jeremy Bentham, in his "Introduction to the Principles of Morals and Legislation," opens the discussion with the following postulate:—

"Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do."

Accordingly he bases his theory of morals upon the utility of conduct which tends to promote happiness or to prevent unhappiness; and he defines his meaning thus:—

"By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good or happiness (all this in the present case comes to the same thing), or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered; if that party be the community in general, then the happiness of the community; if a particular individual, then the happiness of that individual."

But does the production of pleasure come to the same thing in morals as the prevention of pain? The feeling of moral obligation undoubtedly appertains to that form of utility which tends "to prevent the happening of mischief, pain, evil or un-

happiness" either to the community in general or to a particular individual; but this surely does not hold true of that other form of utility which tends "to produce benefit, advantage, pleasure, good or happiness" of a positive kind.

To maintain the contrary would be to counfound ethics with economics or aesthetics; and yet the whole utilitarian school has seemed to ignore the obvious distinction between these two forms of utility. It has clearly been seen that the elimination of pain is an essential condition of happiness; but it has not been recognized that after the neutral state of freedom from pain has been reached, the superinduction of pleasure is not attended with the same kind of feeling on the part of the moral agent as is the alleviation of any sort of unhappiness.

The failure thus to discriminate is almost unaccountable; because as soon as the discussion takes a concrete form no attempt is ever made to furnish an example of moral or immoral conduct by referring to some act which has for its object either to bestow a pleasurable experience upon one who would not have been unhappy without it or to withhold the same under like conditions.

Bentham's treatise in its introductory chapters gives equal prominence to pleasures and to pains, but when it comes to deal with practical morality the field is restricted to consideration of acts which by reason of their infliction of pain constitute wrong-doing, or which by virtue of their tendency to prevent or mitigate pain are regarded as right; while pleasures are taken into account only so far as the deprivation of them may be attended with such pain as it is wrong to inflict and right to prevent. Indeed, a large portion of the work is devoted to the consideration of specific penal offences.

Again, John Stuart Mill, in his little book entitled "Utilitarianism," states:—

"The creed which accepts as the foundation of morals, Utility or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain and the privation of pleasure."

But nowhere does he give any illustration of an act which

although only adding more pleasure to an already happy state is felt to be morally obligatory. In fact, it would be difficult to produce any evidence tending to show that either Mill or any other authoritative utilitarian philosopher ever felt or maintained that an act *ought* to be performed unless it had for its object the prevention or alleviation of unhappiness in contradistinction to the mere production or augmentation of happiness in the sense of positive pleasure.

And yet, such is the persistence of the original utilitarian formula that even Mr. Herbert Spencer has adopted it in substance, notwithstanding his dissent from some of the conclusions reached by his hedonistic predecessors.

In his "Data of Ethics," after having reviewed the principal ethical theories, he says:—

"So that no school can avoid taking for the ultimate moral aim a desirable state of feeling, called by whatever name—gratification, enjoyment, happiness. Pleasure somewhere, at some time, to some being or beings, is an inexpugnable element of the conception. It is as much a necessary form of moral intuition as space is a necessary form of intellectual intuition." (p. 46.)

Nevertheless, throughout his books upon "The Principles of Ethics," whenever he proceeds to give concrete illustrations of moral conduct, the inexpugnable element present in each, turns out to be not the desire of pleasure as such but only the desire of freedom from pain.

Thus, in treating of good and bad conduct, he sums up as follows:—

"Hence the fact that the words good and bad have come to be specially associated with acts which further the complete living of others and acts which obstruct their complete living. Goodness, standing by itself suggests, above all things, the conduct of one who aids the sick in re-acquiring normal vitality, assists the unfortunate to recover the means of maintaining themselves, defends those who are threatened with harm in person, property or reputation, and aids whatever promises to improve the living of all his fellows. Contrariwise, badness brings to mind, as its leading correlative, the conduct of one who, in carrying on his own life, damages the lives of others by injuring their bodies, destroying their possessions, defrauding them, calumniating them." (pp. 24, 25.)

But further on he interprets these acts in terms which are calculated to mislead, by reason of the implication that because

relief from pain or from the apprehension of pain is negatively pleasureable, moral acts may be defined as those which are productive of pleasure.

His language is:—

“Using, then, as our tests, these most pronounced forms of good and bad conduct, we find it unquestionable that our ideas of their goodness and badness really originate from our consciousness of the certainty or probability that they will produce pleasures or pains somewhere.” (p. 32.)

And again:—

“The truth that conduct is considered by us as good or bad, according as its aggregate results, to self or others or both, are pleasureable or painful, we found on examination to be involved in all the current judgments on conduct; the proof being that reversing the applications of the words creates absurdities.” (p. 45.)

It is by reason of just such employment of the terms “pleasure” and “pleasurable” without special restriction of their meaning to the purely negative form of gratification which results from the elimination of pain, that the utilitarians or hedonists of even the most advanced school, still leave themselves open to attack.

Their opponents, ignoring the cardinal fact that in the domain of ethics all acts which are recognized as typically good have for their object the prevention or mitigation of pain apprehended or suffered by someone, somewhere, at some time, interpret the hedonistic doctrine as meaning that morally good conduct has for its object the production of those positively agreeable states of feeling which in common acceptance are regarded as pleasures; and then proceed to show not only that virtuous acts are wholly independent of consciously pleasureable ends, but also that such pleasure properly so-called as may accrue therefrom either to the moral agent or to any one else, is accomplished solely as an indirect result and not even thus invariably.

On the other hand, if the utilitarian theory of morals should be so stated and interpreted as to make the terms right and wrong exactly the reverse of each other in meaning, and coextensive in their range of application, its position would be unassailable.

Wrongful acts are universally recognized as comprised in one or the other of two categories. They are either those of direct performance, by which suffering is inflicted or augmented, or those of wilful non-performance, by which the prevention or mitigation of suffering is refused or neglected.

In like manner, acts which are right, when viewed strictly according to moral standards, are also embraced within two categories corresponding to those of wrongful acts but diametrically opposite thereto in character. They are first, acts of abstention from the infliction or augmentation of suffering; and second, acts of direct endeavor to prevent or mitigate suffering.

Hence it results, that negative beneficence is the reverse of positive malevolence, and that positive beneficence is the reverse of negative malevolence. Pain is the invariable and essential subject-matter of both morality and immorality. The one is concerned solely with its elimination or prevention; the other always with its generation or continuance.

Manifestly, therefore, the terms, "human welfare" and "human happiness," are not well adapted to designate the ultimate objects of ethical conduct because of their distinctly positive significations. To be sure, there would be no ambiguity in the statement that the welfare of a man had been promoted by an experience of entire or even of partial relief from pain, or that such experience had been a happy one for him.

But more frequently the terms "welfare" and "happiness" denote states which are not necessary for the prevention of suffering, and which consequently can have no moral significance. Thus for example, the industry and thrift of a man conduce to the welfare of himself and his dependent family not only while providing against the miseries of poverty but also while securing sufficient abundance for more or less indulgence in the amenities of life. Yet as soon as the result of such industry and thrift ceases to be merely preventive of misery in some form, they lose their moral quality; and if practiced to the extent of producing injurious consequences they become so far immoral.

Again, it may properly enough be said that the object of

ethical conduct is to accomplish or to promote moral good, if this is to be understood as signifying the prevention, avoidance, removal or mitigation of evil. But the term "good," unqualified by the adjective "moral," is too broad to serve accurately the purposes of ethics.

The term "evil," however, particularly as a substantive, is tolerably well adapted for use in defining the scope of ethics, since the fundamental conception involved in its various concrete significations, such as, "injury," "mischief," "harm," is that of pain to a sentient being, principally man; and it becomes the object of moral regard as soon as it is connected with human agency.

But for the sake of exact definition and clear discussion, the science of ethics would seem to need a new nomenclature. Utility belongs not only to morals but to non-moral economics as well. Good is applicable to questions of aesthetics into which the categorical imperative does not enter. Welfare may likewise transcend the boundaries which limit the domain of morality; and as for happiness and its hedonic congeners, they can be made to serve as ethical terms only by ignoring their ordinary connotations.

Something is wanting to emphasize the all-important fact that morality deals exclusively with problems and conditions of pain. Resort to paraphrase, although adequate, is awkward and tedious; while on the other hand, it is not easy to give currency to newly coined words.

Nevertheless, considering the radical misconceptions denoted and implied by hedonism, there would appear to be ample justification for an attempt to promote the adoption of an appropriate substitute which might tend to establish a clear and accurate understanding of the fundamental principle of ethics.

The aphorism of Aristotle, hereinbefore quoted, wherein the antithesis between *το ἀλυπον* (freedom from pain), and *το ἡδον* (pleasure), is presented, readily suggests, in this connection, an etymological source from which the desired term or terms might properly be derived. The Greek substantive *ἀλυπία* (freedom from pain) indicates a state which it is really the object of every moral act to secure or to attain; and

hence it would obviously be advantageous, if *alypic* and *alypism* could be substituted as English words in place of *hedonic* and *hedonism*, respectively, for use in moral philosophy.

The question of nomenclature, however, is only of secondary importance, and may be left to take care of itself, provided the facts themselves and their relationship be rightly apprehended.

In the domain of morality, the conduct of the moral agent is concerned with two classes of pains, namely, those which may be experienced by himself, and those which may be experienced by another or others than himself. Upon this classification is based the distinction between personal morals and social morals.

Again, each of these classes of pains may be divided into those which are believed to arise from natural causes and those which are believed to be inflicted by supernatural agencies. Hence, there is a further division of morality into secular morals and religious morals.

These distinctions will be found helpful in considering the question of moral progress, and the character of morality to be found among men under different conditions of savagery, barbarism and civilization.

The first thing to be observed is, that among the lowest varieties of the human race, man has the least foresight, the least regard for the welfare of others, and the least fear of natural consequences. His morals, therefore, are concerned with evils which are apprehended as immediate, which relate chiefly to himself, and which are largely superstitious. He is vigilant to ward off expected attacks from his enemy, but is improvident in respect to his means of future sustenance. He has courage to join with his fellow-tribemen in repelling the aggressions of a hostile tribe, but he is indifferent to the sufferings even of his kinsmen, and is brutal to dependent women and children. He is careful to avoid displeasing some fetich or ghost, but is utterly regardless of the physical conditions which conduce to bodily comfort or health. Thus, the morality of the savage may be characterized as concerned with immediate rather than remote consequences, as personal rather than social, and as religious rather than secular.

On the contrary, the highly civilized man orders his conduct with constant reference to the future, to the welfare of his fellow-men, and to the best ascertained laws of nature. He regards present acts with relation to their remote consequences; he is scrupulous to refrain from doing anything which might injuriously affect others; and he is much more extensively influenced by considerations of natural than of supernatural agencies.

Hence, it results, that while morality is fundamentally the same for all men, namely, the determination of conduct to the end of avoiding, preventing or alleviating pain, there is concretely very little, if anything, in common between the morals of the savage and the morals of the civilized man. Ethical progress has been made in direct proportion to the subordination of present interests to future interests, of personal interests to social interests, and of religious interests to secular interests.

But moral conduct has ever resulted from causes antagonistic or superior to the cosmic process, as was maintained in Thomas Henry Huxley's Romanes Lecture. The psychological basis of morality is the instinctive effort to banish pain from consciousness. This instinct is an ultimate and imperative condition of life itself. It is present in every animal organism, and is necessary to the preservation of the integrity and existence of that organism. The homologue of moral conduct among the lower orders of animals is found in those actions which are directed by each individual of every species towards preserving itself from bodily harm. All sentient life throughout its various and extensive gradations is attended by a monitor which constantly and persistently warns it to keep within the limits set for its normal existence. This constitutes a cosmic manifestation which ultimately embraces the "ought" of ethics. It presents itself to every conscious organism as an incentive to conduct which cannot be omitted or neglected with impunity.

Necessarily, the operation of this sanction among the inferior forms of animal life is directed to the compulsion of prudential conduct which directly concerns only the individual it-

self, and which constitutes the basis of personal morals alone; but in the ascending scale there come to be developed those germs of social morals which are manifested in maternal solicitude and in gregarious co-operation against impending danger. The progress of man by the gradual enlargement of his individual self into what William Kingdon Clifford has designated the "tribal self" has been attended by a corresponding superposition of social morals upon personal morals, until the latter although still indispensable is generally regarded as of less importance than the former.

Nevertheless, it will be found, upon analytical examination, that all ethical conduct is fundamentally determined by the same organic impulses which primarily move each individual to attempt the elimination or banishment of his painful states of consciousness, whether caused by actual sensations of present lesion or by mental apprehension of future harm.

For the purposes of suffering or of enjoyment, the self of every man far transcends the conscious nucleus of the ego. It embraces not merely the bodily organism with which he is objectively identified, but also the entire environment which in any way contributes to the maintenance of his life or affords opportunity for the exercise of his vital activities.

Thus conceived, the self which constitutes the subject of ethical regard consists of the individual himself and his proprietary environment, whose injury either suffered or threatened, creates in him a painful state of consciousness.

Passing by the enumeration of those material things which belong to the category of private property, and of those surroundings within which liberty of action may be freely exercised; it is evident that the society of which each individual self is a member may, in so far as it is friendly to him, and ordinarily does, contribute the most important and most highly valued part of his proprietary environment. To be sure, his ownership of what is thus contributed is not so absolute as that of the things which are commonly reckoned among his personal belongings; but such social contributions really constitute the most precious of his possessions.

First in order come the privileges appertaining to family re-

lationship; next the benefits derived from the immediate society of which the individual concerned is an intimate member, and among which his life is chiefly passed. Beyond these are the further advantages secured by citizenship in still larger communities constituting the state or nation; and finally those resulting from intercourse with the whole world and particularly the civilized portions of it.

It is true, that all these benefits and advantages conferred upon the individual and constituting part of his proprietary environment are conditioned upon reciprocal services to be performed on his part; but they are none the less his own; and deprivation or curtailment of them when once thus possessed will be felt as a personal loss or injury.

Moral progress, therefore, has resulted not from any change in the fundamental character of the moral sense, but rather from the enlargement of its field of operation. It has always been aroused by consciousness of pain experienced by or threatened to self; but the particular conduct resulting from it has ever been determined by the existing constitution of that self.

The gradual expansion of the proprietary environment has wrought great improvement, inasmuch as the recognition of others as contributors to the personal belongings of the self has naturally been accompanied by a feeling that injury to them works corresponding injury to self. But the perfection of this process of identification of interests between the individual and the community, is the further recognition that each self is but an insignificant fraction of the aggregate out of which his proprietary environment has been created, and that the preservation of the whole community from injury is of vastly greater importance than the personal interests of any individual component. This ethical conviction, which lies at the foundation of patriotism, was doubtless felt much more intensely in the past by the constituent members of a tribe or state in constant warfare with its neighbors, than in the present by citizens of any civilized nation whose normal condition is that of peace.

The conspicuous fact in the history of morals is that, what

modern philosophy terms "altruism" has undergone great development with the progress of civilization; and however its origin may be explained, there can be no doubt that its essence consists in the emotional impulses of the individual animated by it to ward off evil from his fellows. It is the extension of the feeling which actuates the individual in keeping himself from harm, to the broader emotion which prompts him to save others likewise from painful experience.

This entire body of emotional impulses inciting each man to conduct intended to prevent, remove or alleviate pain threatened or suffered by himself, or by a fellow-man, constitutes his conscience. It embraces both personal morals and social morals, and its strength is directly proportional to the vividness with which the contemplated pain is presented or represented to consciousness.

In ordinary life, however, the occasions on which conscience is called into activity as a presentative feeling are comparatively rare. The pain to be avoided is seldom present as an actual sensation or even so near that it is perceived to be imminent at the very moment when the impulse towards avoiding it arises. Conscience is ordinarily a representative feeling. It arises generally from the contemplation of apprehended pains which are more or less remote and which are to be avoided or mitigated by intermediate conduct within a period of corresponding duration. Hence, like all emotions, its influence upon the will depends upon the degree of intensity assumed by it in view of an exciting cause which is only represented to the imagination instead of being actually present as a sensation.

An emotional impulse which determines voluntary action toward a given end necessarily implies belief on the part of the agent that such action will attain the end sought or at least will conduce to the attainment of that end. Hence it results that conscience is invariably and inevitably attended by belief that the conduct prompted by it will tend to avert some apprehended pain; and it is further manifest that the body of feeling which constitutes the conscience of each man is created and accompanied by a group of beliefs in respect to the conduct required

of him for warding off such painful experiences as he deems to be evils, whether suffered by himself or by others with whom he sympathizes.

The scope of conscience is commensurate with the extension of belief in respect to the causes of avoidable pain and the voluntary acts by which this may be prevented; and the intensity of conscience is proportionate to the conviction of certainty which characterizes such belief.

In savage life there is scanty knowledge and consequently but few rational beliefs in respect to the causes of suffering and the appropriate remedies therefor; yet the belief in the power of supernatural agents to do harm and in the efficacy of certain observances to ward off such evil, is so positive that the consequent emotional impulse controls conduct in conformity thereto with almost the power of absolute instinct. In other words, the conscience of the savage is exceedingly narrow but very intense.

On the other hand, in civilized life, knowledge of the true causes of human suffering has become more widely extended, and this has naturally brought about a general improvement in moral conduct both in respect to acts of abstention from inflicting avoidable pain and in respect to acts of interference to prevent or alleviate pain due to extraneous causes. Indeed, the attitude of the average conscience towards the grosser forms of evil which modern society brands as crime, has come to be spontaneously and unhesitatingly repugnant.

But the like does not yet hold true of a multitude of lesser evils with which society is still afflicted. This defective conscience is due not so much to lack of sympathy as to absence or imperfection of belief in respect to the tendency of certain conduct to produce painful consequences.

All beliefs are derived from one or the other of two sources, namely, inculcation and personal experience; but the beliefs which determine the deliverances of conscience are largely derived from authoritative training and teaching. It would be disastrous, and in many instances fatal, if every one had to acquire his beliefs as to the consequences of conduct by personal experience alone. The suffering which ignorance en-

tails is great enough without leaving each individual to learn for himself the painful consequences which result from misdirected actions.

Nevertheless, exclusive reliance upon authority gives no chance for the correction of belief and for the better enlightenment of conscience. Not until the knowledge of the consequences of human conduct approaches perfection can beliefs founded thereon acquire such degree of certainty as to render possible a practically infallible conscience.

It follows, then, that since the actual avoidance or prevention of suffering is directly dependent upon the accuracy of belief in respect to the efficacy of pain-averting conduct, the cultivation of knowledge adapted to enhance the reliability of such belief is itself a voluntary act of supreme importance. In other words, as has been shown by William Kingdon Clifford in his essay upon "The Ethics of Belief"* the highest duty of man is to inquire constantly into the validity of his beliefs.

All systems of ethics recognize the fact that moral conduct involves more or less self-restraint or self-sacrifice on the part of the moral agent, or in other words some degree of painful experience by him; and hence, utilitarian ethics which regards the prevention, avoidance, elimination or alleviation of pain as the sole aim and exclusive purpose of morality, becomes open to the charge of occupying the somewhat paradoxical position that its ultimate object can be attained by creating in the consciousness of the moral agent one painful state in order to destroy or abate another. Such a charge is hardly an adequate statement of the facts; but even if absolutely true it would not constitute a formidable objection to the soundness of the ethical doctrine. This will appear from the following considerations:—

There are two distinguishable classes of pains, namely, those which result from lesions and those which are caused by repressions. One class embraces the sufferings experienced from greater or less impairment of the bodily organism or of the environment which contributes to its immediate sustenance;

*"Lectures and Essays," Vol. 2, pp. 177-211.

the other class embraces the sufferings experienced from greater or less curtailment of the functional activities of the bodily organism or from greater or less curtailment of the environment within which such activities would be exercised. The first class tends to the mutilation or destruction of the organism itself or of some of its constituents, or of that which is necessary for their preservation; the second class tends to the suppression of the normal activity of the organism or of some of its constituents by depriving these of opportunity for performing their customary functions. The prevention of pains of the first class belongs to the province of ethics which is concerned with the maintenance of individual integrity, in the broad sense of the self and its proprietary environment; the prevention of pains of the second class belongs to the province of ethics which is concerned with the maintenance of individual liberty. The like observations apply to the preservation of the integrity and liberty of social organisms; but primarily ethics is concerned with the individual units of society.

Moral conduct necessarily implies a limitation of the liberty of the moral agent and not infrequently a curtailment of his proprietary environment, not to mention occasional lesion to his bodily self. In other words, every moral act requires some abstention from voluntary activity which otherwise might have been indulged in, or some expenditure of personal energy which otherwise might not have been exerted in that direction, or of personal property which otherwise might not have been devoted to that purpose.

Such self-restraint or self-sacrifice is for the most part unconscious in cases of common and obvious moral acts; as when one refrains from endangering his own life or limb, or from doing bodily harm to another, or from committing theft or damaging the property of another; or as when one lends a helping hand to another who is in peril or distress.

Morality in such cases with most civilized people has become organic and is not attended by any present sense of restraint or sacrifice. Under these conditions the conduct of the moral agent accords with his desires and is attended with as much sense of freedom as any voluntary act which has no moral quality or implication.

Ordinarily, however, a moral action, not belonging to the simple category of those which have become organic, involves on the part of the agent some consciousness of pain to himself. More frequently it is the negative kind due to the sense of restricted personal liberty by virtue of the constraining conscience, but sometimes it is the positive pain of bodily suffering to be endured in performing the moral action. This also is accompanied by a more or less conscious comparison between the kind and degree of pain which it is the aim of the moral agent to prevent or avoid, and the kind and degree of pain which he himself must suffer in realizing that aim.

Necessarily, then, there must in every moral action which is not already organic and spontaneous, be a conscious choice between evils. Pain is to be avoided always and everywhere if possible; but when the harm to be prevented by the moral act is clearly seen by the moral agent to involve greater pain than that which he would suffer in performing such act, then his conscience prompts him to perform it.

Ethical conduct thus constantly requires self-sacrifice of various degrees; and the evil to be prevented may be so great as to warrant the highest example of heroism. The intuitionist may well contend that no considerations of happiness to be attained by the hero could account for his sublime act; but such objection cannot hold against the theory here propounded, that the moral impulse may be derived from contemplation of some dire calamity which the act of self-sacrifice is believed to be adequate to avert.

It does not follow, however, that deliberate comparison takes place in every instance, nor that the really greater evil determines the direction of conduct. If the person incited is sympathetic and emotional he may do a foolhardy act instead of one commendably moral, when judged by the standards of sane reason. If on the other hand, he is naturally cautious and unemotional he may put an exaggerated estimate upon the degree of pain required for the performance of a given moral act as compared with the threatened mischief which might be warded off by such an act; so that it depends largely upon the character of the moral agent whether in a presented instance

he will feel constrained to sacrifice himself for the sake of preventing evil to another; and the question of his moral obligation, either to refrain or to perform, may not be clear even to the general sense of the community.

When we pass judgment upon the morality of individuals or of communities we must necessarily take into account the nature of their environments and the conditions under which they are involuntarily constrained to act. The behavior which is appropriate to a peaceful state of society may be wholly out of place in the midst of hostile surroundings. Conduct which under some circumstances may be utterly immoral may under other circumstances be entirely justifiable. Whenever the moral agent is confronted with a choice between two evils of which one must be suffered in order to ward off the other, his conduct is morally right, as far as he himself is concerned, if he acts in conformity to his sincere belief that by so doing he is avoiding the greater evil.

If his choice is contrary to the moral sense of the rest of the community, and he knows it, then he also takes into account the moral reprobation of his fellows and weighs that as part of the threatened pain which he believes to be of less moment than the evil which his conduct is intended to ward off. Upon this is founded the theory of responsibility for immoral acts. If the moral agent does not know that his act is such as society in general reprobates and punishes, then the threatened reprobation and punishment cannot enter into the estimate of his moral responsibility. Of course, this is an extreme supposition except in case of insanity; and the law may safely presume that the criminal however stolid, is not ignorant of the penalties which are threatened against acts such as he has committed, and that he has deliberately subjected himself to them. Nevertheless, even the commission of an act which the rest of the community regards as criminal and punishes as a crime, may be wholly moral, not only according to the belief of the moral agent but according to the sense of other more enlightened communities; as for instance, helping a runaway slave to escape.

In estimating, therefore, the moral quality of historical acts,

the inquiry must always be made whether the conduct of the individual or of the society under consideration has been prompted by sincere belief that such conduct tended to avert an evil of greater magnitude than the evil entailed by the remedial act itself. Wanton aggression has always been unjustifiable, and the practice of it either by individuals or by societies, must in every instance have been immoral because unaccompanied by belief in its necessity; but, on the other hand, forcible resistance to tyranny, or defensive warfare, or even precautionary aggression, may be regarded as moral by as much as either has been believed and intended by those making such resistance, defense or precautionary attack to prevent evils of greater magnitude than the loss and suffering which must be incurred in consequence of their acts.

Although morality for all times and under all circumstances has been and is founded upon the principle of the elimination of pain in the negative and positive aspects respectively of abstention from causing it and of endeavor to prevent it, yet the actual practice of morality has always been modified by the degree of hostility existing in the environment of the moral agent. Ever since the formation of social aggregates, the beliefs prevalent in each community respecting dangers which threatened its integrity have governed its policy and the conduct of its members. As long as separate social groups remained predatory, the most important elements of conscience were those which tended to promote the warlike virtues. When, however, in the progress of civilization, the mutual aversions between nations became so far overcome as to permit commercial intercourse upon a basis of honest exchange, there began to arise those other virtues which are fostered by the prevalence of industrialism. Nevertheless the public policy of nations towards each other still continues to be guided by the prevalent feeling that their interests are antagonistic in many important respects, and that the ideal precepts of morality cannot possibly apply to all cases of international conduct.

The ethical conditions are, however, considerably more favorable when only concerned with the relationship of the members of an integral civilized community towards each

other. There the hostility encountered within the environment is very greatly diminished although by no means eliminated. First to be dealt with are those enemies of orderly society, who have to be repressed as criminals. To refrain from causing them pain to the extent of saving the community from their depredations, would be to relinquish the conditions of civilized life. If any individual within a community will not practise self-restraint in respect to those acts which are detrimental to the welfare of others, he must be made to feel their hostility to him in so far as his conduct is hostile to them. The *lex talionis* has in civilized countries been superseded by more intelligent modes of remedying wrongs; but it was originally founded upon a rude sense of justice. Resistance to evil must be constantly practised, and deserves moral commendation. Indeed, there is no other rational procedure possible, notwithstanding current precepts to the contrary.

Passing now from those wrongful acts which are the subjects of prohibitory statutory enactment or which are amenable to legal process and adjudication, there remains to be considered a province of ethics to which little attention is paid in treatises upon practical morality. The life of social intercourse is conditioned upon reciprocal acts. In fact, it is governed by principles which are strictly analogous to those judicially recognized and administered under the law of contracts. A concrete illustration will serve to elucidate this matter more clearly perhaps than any other mode of presentation. A gift from one friend to another in token of friendship or esteem is, of course, made without intent or expectation that an equivalent in kind is to be returned. The act is wholly voluntary on the part of the donor and is itself a gratification of his own desire. Nevertheless, the donee is not without moral obligation in respect to it. There is implied by his acceptance of the gift a cordial appreciation of the good will manifested by the donor toward him, and a disposition on his part to enjoy it as the donor intended he should. The gift, to be sure, becomes the property of the donee, and he may legally dispose of it as he sees fit; but morally he has no right to defeat the manifest intent of the donor. If instead of devoting it to his own per-

sonal gratification, he gives it away to another, he causes pain in the donor, and violates the trust created by his acceptance of the gift. In like manner the tender ministrations belonging to the relationship of husband and wife or of parent and child, all need reciprocity of conduct in order to satisfy moral requirements. Return in kind is for the most part neither desired nor possible; but reciprocal gratification is expected even though not definitely formulated in the consciousness of either party. If the child makes such use of the opportunities afforded him by his parents as meets their approval, then he is said to be dutiful, and he thus performs his moral obligations.

So with the less intimate relations between members of the same community. Every kind attention shown by one toward another, even though it be a mere act of politeness, demands for the satisfaction of moral requirement, such reciprocal conduct as will preserve the former from the pain inflicted by a neglected requital or a deliberate slight. But unfortunately petty hostilities which prevent such mutual reciprocation of beneficial acts are rife in every community; so that magnanimously inclined members are often obliged to behave with at least passive disfavor toward those who would be likely to abuse their good offices.

It is thus apparent that the precepts of practical morality must for a long time to come remain qualified by the impossibility of treating the hostile elements of society in the same manner as its friendly elements. As the existence of public enemies renders the preservation of the integrity of each nation the paramount duty; and as the existence of criminals necessitates their coercion and repression by society; so do the failures of legally unobnoxious citizens to observe the equitable requirements which the law cannot enforce but which good morals demand, make impracticable the perfect and universal fulfilment of those fundamental ethical conditions which as far as is physically possible would banish pain from human experience.

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